

New Proposed CODE OF CONDUCT RULE

Rule 412 – Criminal Convictions/Disciplinary Actions

- a) A licensee who is convicted of or pleads guilty or nolo contendere to any crime other than a traffic violation, regardless of whether the adjudication of guilt or sentence is withheld, suspended or deferred in any court of this state, another state, or the federal government, shall make a written report thereof to the Board within thirty (30) days after the conviction or plea. The report shall include the date of the offense and of the conviction or plea, the name and address of the court, the specific crime for which convicted or to which the plea is entered, the fine, penalty and/or other sanctions imposed, and copies of the charging document and judgment of conviction or other disposition, including probation or suspension of sentence. The report shall also include the licensee's explanation of the circumstances which led to the charge and conviction or plea, along with any other information which the licensee wishes to submit.**
- b) A licensee who after the initiation of an investigation, hearing or other administrative action surrenders or who has a professional, vocational or occupational license, permit certification or registration to practice public accountancy by an agency of any state or the federal government denied, revoked, suspended or cancelled or who is subject to any sanctions, including probation, involving such license, permit certification or registration shall make a written report thereof to the Board within thirty (30) days after such action. The report shall include the date of the action, the name and address of the regulatory agency which has taken the action and copies of documents pertaining thereto. The report shall also include the licensee's explanation of the circumstances which led to the action, along with any additional information the licensee wishes to submit.**
- c) An applicant for a license who has been convicted of or pleaded guilty or nolo contendere, as described in paragraph (a) above, to any crime other than a traffic violation or who after initiation of an investigation, hearing or other administrative action has surrendered or has had a professional, vocational or occupational license, permit, certification or registration denied, revoked, suspended or canceled or who has been subjected to any sanctions, including probation, as described in paragraph (b) above, involving such a license, permit, certification or registration shall furnish the written report referred to in paragraph (a) and/or (b) above to the Board at the time the application is submitted if such action has already occurred; otherwise, such report shall be made immediately after the action occurs.**

Arkansas State Board of Public Accountancy

Proposed Board Rules

Rule 7.1 Definitions

(f) (1) “Good standing” as used in A.C.A. §§ 17-12-401, 17-12-402, 603 (d), and Rule ¶7.4 (a) is defined as a CPA or PA who holds a license for the current year issued by the applicable Board.

(2) “Good standing” as used in §17-12-504(a) and (b) means a CPA, public accountant, or a firm whose license, registration, or inactive license is current or last expired within one year immediately preceding the date of the Board’s receipt of the application to renew.

Arkansas State Board of Public Accountancy

Proposed Board Rules

The current Board Rule 3 (Examinations), as cited in paragraphs 3.1 through 3.9, will remain in effect until implementation of the computer-based examination. Upon the implementation of the computer-based examination, the current Board Rule 3 will be replaced by the rules which follow below (paragraphs 3.11 through 3.20).

Rule 3.11 Semester hour; accredited colleges, universities, schools and programs; credit for courses.

- (a) As used in these Rules, a “semester hour” means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by two-thirds.
- (b) As used in these Rules, “accreditation” refers to the process of quality control of the education process. There are three different levels of accreditation referred to in these Rules and the degree to which the Board relies on accreditation differs according to the level at which the degree-granting institution is accredited. The three levels of accreditation are:
- (1) Level one accreditation (the educational institution) is granted to a four-year degree-granting college or university which is accredited by one or more recognized regional accrediting agencies (or successor agencies). A college or university will be considered accredited by one of the major regional accreditation associations if accredited by one of the six (6) accrediting agencies or its successor agency as follows:
 - Middle States Association of Colleges and Secondary Schools;
 - New England Association of Schools and Colleges;
 - North Central Association of Colleges and Secondary Schools;
 - Northwest Association of Schools and Colleges;
 - Southern Association of Colleges and Schools;
 - Western Association of Schools and Colleges.Colleges and Universities accredited by these associations are listed in Accredited Institutions of Postsecondary Education published by the Council of Postsecondary Accreditation of the American Council on Education.
 - (2) Level two accreditation (the business school) is granted to a business school or college of business that has been accredited by a national accreditation agency recognized by the Board such as the AACSB INTERNATIONAL – The Association to Advance Collegiate Schools of Business following a specific and comprehensive review of their faculty, resources, and curricula. In evaluating a candidate’s credentials, the Board may choose to rely on this accreditation as evidence that the institution’s business school has met minimum overall standards of quality for such schools.
 - (3) Level three accreditation (the accounting program or department) is granted to an accounting program or department that has been accredited by a national accreditation agency recognized by the Board such as the AACSB INTERNATIONAL. Accounting programs or departments accredited in this manner have met standards substantially higher and much more specific than those required for level one or two accreditation. For level three accreditation, the accounting program or department must meet a stringent set of standards that addresses faculty credentials, student quality, physical facilities, and curricula. Graduates who submit transcripts from accredited accounting programs may be deemed to have met the Board’s specific accounting and business course requirements.

- (c) A candidate is considered as graduating from an accredited educational institution if at the time the educational institution grants the applicant's degree, it is accredited at the appropriate level as outlined in these Rules.
- (d) If an educational institution was not accredited at the time an applicant's degree was received but is so accredited at the time the application is filed with the Board, the institution will be deemed to be accredited for the purpose of subsection (c), provided that it –
- (1) certifies that the applicant's total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and
 - (2) furnishes the Board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify the applicant as an accounting major are substantially equivalent to post-accrediting courses.
- (e) If an applicant's degree was received at an accredited educational institution pursuant to subsection (c) or (d), but the educational program which was used to qualify the applicant as an accounting major included courses taken at non-accredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received, provided the accredited institution either –
- (1) has accepted such courses by including them in its official transcript; or
 - (2) has certified to the Board that it will accept such courses for credit toward graduation.
- (f) A graduate of a four-year degree-granting college or university not accredited at the time applicant's degree was received or at the time the application was filed will be deemed to be a graduate of an accredited educational institution if –
- (1) a credentials evaluation service that is a member of the National Association of Credential Evaluation Services or one approved by the Board certifies that the applicant's degree is equivalent to a degree from an accredited educational institution defined in subsection (b)(1); or
 - (2) (A) an accredited educational institution as defined by subsection (b)(1) accepts applicant's non-accredited baccalaureate degree for admission to a graduate business degree program;
 - (B) the applicant satisfactorily completes at least fifteen semester hours, or the equivalent, in post-baccalaureate education at the accredited institution, of which at least nine semester hours, or the equivalent, shall be in accounting; and
 - (C) the accredited educational institution certifies that the applicant is in good standing for the continuation in the graduate program, or has maintained a grade point average in these courses that is necessary for graduation.
- (g) The advanced subjects completed to qualify under subsection (f)(2) may not be used to satisfy the requirements of section (h).
- (h) The accounting and business concentration or equivalent shall consist of the semester hours specified in Rule 3.12 below. No more than 6 semester hours will be recognized for internships or life experience.

Rule 3.12 Education requirement.

- (a) An applicant will be deemed to have met the education requirement if the applicant has met any one of the following four conditions:
- (i) Earned a graduate degree with a concentration in accounting from an

accounting program or department that is accredited (level three accreditation) by an accrediting agency recognized by the Board.

- (ii) Earned a graduate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and completed 30 semester hours in accounting at the undergraduate (with a minimum grade of "C" in each course) or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, management accounting, and governmental/not-for-profit accounting
- (iii) Earned at least 150 semester hours including a baccalaureate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and completed 30 semester hours in accounting at the undergraduate (with a minimum grade of "C" in each course) or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, management accounting, and governmental/not-for-profit accounting.
- (iv) Earned at least 150 semester hours including a baccalaureate or higher degree from an accredited educational institution (level one accreditation) including:
 - (1) at least 30 semester hours of accounting at the undergraduate (with a minimum grade of "C" in each course) or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, management accounting, and governmental/not-for-profit accounting; and
 - (2) at least 24 semester hours in business courses (other than accounting), with a minimum grade of "C" in each course, at the undergraduate or graduate level.

(b) To meet the education requirement in paragraph (a) of this section, a candidate shall complete all applicable semester hours (including correspondence, distance learning or other courses in which students are not expected to attend classes in person) no later than the end of the school term of the institution offering the course(s) in which the candidate is enrolled, and during which the candidate first sits for and receives official credit for any score(s) on the Certified Public Accountant Examination. For purposes of this paragraph, school term means the semester, quarter, trimester or other term of the institution offering courses for students who are expected to attend class in person. Regardless of the course delivery mechanism (classroom, correspondence, distance learning, or other courses in which the student is not expected to attend class in person), an official transcript containing the grade for the course(s) completed must be received in the Board office within the time period set forth in Rule 3.13(b).

Rule 3.13 - Applications for examination.

(a) Applications to take the Certified Public Accountant Examination must be made on a form provided by the Board and received by the Board on or before a date specified by the Board in the application form.

(b) An application will not be considered filed until the application fee and examination fee required by these Rules and all required supporting documents have been received, including proof of identity as determined by the Board and specified on the application form, official transcripts and proof that Candidate has satisfied or expects to satisfy the education requirement in the current school term. An applicant who has not completed the education requirement in paragraph 3.12 prior to making her/his original application for the examination (provisional candidate) must include both a current transcript and a certification form from a recognized school official stating that the candidate may reasonably be expected to complete the educational requirement as stated in and within the time permitted by Rule 3.12(b). In addition, provisional candidates shall cause official transcripts documenting satisfactory completion of their educational requirement to be received in the Board office within thirty (30) days after completion of such requirement. All transcripts and certification letters must be sent from the appropriate school officials directly to the Board. Should a provisional candidate fail to complete the educational requirement as provided in or within the time frame permitted by Rule 3.12 or fail to cause the post-examination transcript described in this paragraph to be received by the Board within the time periods provided in these rules, the provisional candidate shall not receive official credit for her/his score(s) on the examination.

(c) A candidate who fails to appear for the examination, fails to complete their educational requirement no later than the end of the school term of the institution offering the course as cited in paragraph 3.12(b), or fails to cause official transcripts documenting satisfactory completion of their educational requirement to be received by the Board office within 30 days after completion of such requirement shall forfeit all fees charged for both the application and the examination.

(d) The Board or its designee will forward notification of eligibility for the computer-based examination to NASBA's National Candidate Database.

Rule 3.14 - Time and place of examination.

Eligible Candidates shall be notified of the time and place of the examination or shall independently contact the Board or a test center operator identified by the Board to schedule the time and place for the examination at an approved test site. Scheduling reexaminations must be made in accordance with Rule 3.17(b) below.

Rule 3.15 - Examination content.

The examination required by A.C.A. § 17-12-301 shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the Board may require.

Rule 3.16 - Determining and Reporting Examination Grades

A Candidate shall be required to pass all Test Sections of the Certified Public Accountant Examination in order to qualify for a certificate. The Candidate must attain the uniform passing grade established through a psychometrically acceptable standard-setting procedure and approved by the Board. Upon receipt of grades reported by the examination provider, the Board will review and may adopt the examination grades and will report the adopted grades to the qualified Candidate (one who has met all requirements of Rules 3.12 and 3.13 above).

Rule 3.17 - Retake and Granting of Credit Requirements

(a) A Candidate shall be required to pass all Test Sections of the Certified Public Accountant Examination in order to qualify for a certificate. A Candidate may take the required Test Sections individually and in any order. Credit for any Test Section(s) passed shall be valid for eighteen months from the actual date the Candidate took that Test Section, without having to attain a minimum score on any failed Test Section(s) and without regard to whether the Candidate has taken other Test Sections.

(1) Candidates must pass all four Test Sections of the Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first Test Section(s) passed is taken.

(2) Candidates cannot retake a failed Test Section(s) in the same examination window. An examination window refers to a three-month period in which Candidates have an opportunity to take the CPA examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus, Candidates will be able to test two out of the three months within an examination window.

(3) In the event all four Test Sections of the Uniform CPA Examination are not passed within the rolling eighteen-month period, credit for any Test Section(s) passed outside the eighteen-month period will expire and that Test Section(s) must be retaken.

(b) Candidates having earned conditional credits on the paper-and-pencil examination, as of the launch date of the computer-based Uniform CPA Examination, will retain conditional credits for the corresponding Test Sections of the computer-based CPA examination as follows:

<u>Paper-and-Pencil Examination</u>	<u>Computer-Based Examination</u>
<u>Auditing</u>	<u>Auditing and Attestation</u>
<u>Financial Accounting and Reporting (FARE)</u>	<u>Financial Accounting and Reporting</u>
<u>Accounting and Reporting (ARE)</u>	<u>Regulation</u>
<u>Business Law and Professional Responsibilities (LPR)</u>	<u>Business Environment and Concepts</u>

(1) Candidates who have attained conditional status as of the launch date of the computer-based Uniform CPA Examination will be allowed a transition period to complete any remaining Test Sections of the CPA examination. The transition is the maximum number of opportunities that Candidates who have conditioned under the paper-and-pencil examination have remaining, at the launch of the computer-based CPA examination, to complete all remaining Test Sections, or the number of remaining opportunities under the paper-and-pencil examination, multiplied by six months, whichever is first exhausted.

(2) If a previously conditioned Candidate does not pass all remaining Test Sections during the transition period, conditional credits earned under the paper-and-pencil examination will expire and the Candidate will lose credit for the Test Sections earned under the paper-and-pencil examination. However, any Test Section(s) passed during the transition period is subject to the conditioning provisions of the computer-based examination as indicated in the aforementioned conditioning recommendation, except that a previously conditioned Candidate will not lose conditional credit for a Test Section of the computer-based examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the Test Section is passed, until the end of the transition period.

(c) A Candidate shall retain credit for any and all Test Sections of an examination passed in another state if such credit would have been given, under then applicable requirements, if the Candidate had taken the examination in this State.

(d) The Board may in particular cases extend the term of conditional credit validity notwithstanding the requirements of subsections (a), (b), (c) and (d), upon a showing that the credit was lost by reason of circumstances beyond the Candidate's control.

(e) A Candidate shall be deemed to have passed the Uniform CPA Examination once the Candidate holds at the same time official credit for passing each of the four Test Sections of the examination. For purposes of this section, credit for passing a Test Section of the computer-based examination is valid from the actual date of the Testing Event for that Test Section, regardless of the date the Candidate actually receives official notice of the passing grade.

Rule 3.18 – Candidate Testing Fee

The Candidate shall, for each Test Section scheduled by the Candidate to the Board or its designee, pay a Candidate Testing Fee that includes the actual fees charged by the AICPA, NASBA, and the Test Delivery Service Provider, as well as reasonable application fees established by the State Board.

The fees to sit for the examination are enumerated in Rule 12.

Rule 3.19 - Cheating.

(a) Cheating by a Candidate in applying for, taking or subsequent to the examination will be deemed to invalidate any grade otherwise earned by a Candidate on any Test Section of the examination, and may warrant summary expulsion from the test site and disqualification from taking the examination for a specified period of time.

(b) For purposes of this Rule, the following actions or attempted activities, among others, may be considered cheating:

(1) Falsifying or misrepresenting educational credentials or other information required for admission to the examination;

(2) Communication between Candidates inside or outside the test site or copying another Candidate's answers while the examination is in progress;

(3) Communication with others inside or outside the test site while the examination is in progress;

(4) Substitution of another person to sit in the test site in the stead of a Candidate;

(5) Reference to crib sheets, textbooks or other material or electronic media (other than that provided to the Candidate as part of the examination) inside or outside the test site while the examination is in progress.

(6) Violating the nondisclosure prohibitions of the examination or aiding or abetting another in doing so.

(7) Retaking or attempting to retake a Test Section by an individual holding a valid Certificate or by a Candidate who has unexpired credit for having already passed the same Test Section, unless the individual has been directed to retake a Test Section pursuant to Board order or unless the individual has been expressly authorized by the Board to participate in a "secret shopper" program.

(c) In any case where it appears that cheating has occurred or is occurring, the Board or its representatives may either summarily expel the Candidate involved from the examination or move the Candidate to a position in the Test Center away from other examinees where the Candidate can be watched more closely.

(d) In any case where the Board believes that it has evidence that a Candidate has cheated on the examination, including those cases where the Candidate has been expelled from the examination, the Board shall conduct an investigation and may conduct a hearing consistent with the requirements of the state's Administrative Procedures Act following the examination session for the purpose of determining whether or not there was cheating, and if so what remedy should be applied. In such proceedings, the Board shall decide:

(1) Whether the Candidate shall be given credit for any portion of the examination completed in that session; and

(2) Whether the Candidate shall be barred from taking the examination and if so, for what period of time.

(e) In any case where the Board or its representative permits a Candidate to continue taking the examination, it may, depending on the circumstances:

(1) Admonish the Candidate;

(2) Seat the Candidate in a segregated location for the rest of the examination;

(3) Keep a record of the Candidate's seat location and identifying information, and the names and identifying information of the Candidates in close proximity of the Candidate; and/or

(4) Notify the National Candidate Database and the AICPA and/or the Test Center of the circumstances, so that the Candidate may be more closely monitored in future examination sessions.

(f) In any case in which a Candidate is refused credit for any Test Section of an examination taken, disqualified from taking any Test Section, or barred from taking the examination in the future, the Board will provide to the Board of Accountancy of any other state to which the Candidate may apply for the examination information as to the Board's findings and actions taken.

Rule 3.20 – Security and Irregularities

Notwithstanding any other provisions under these rules, the Board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or for any other reasonable cause or unforeseen circumstance.